

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

GARY G. HAMPTON, JR.,

Plaintiff,

v.

LORI W. AUSTIN, et al.,

Defendants.

No. 2:20-CV-1001-KJM-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action under 42 U.S.C. § 1983.

On July 23, 2021, the Court issued an order addressing the sufficiency of Plaintiff's original complaint and provided Plaintiff an opportunity to file a first amended complaint curing the defects identified in the order. See ECF No. 16. Apparently in response to the Court's order, Plaintiff filed a document captioned "Order: Request to Amend Complaint; I've Been Instructed to Amend My Complaint Within 30 Days From Requested Filed Date of 7-23-21." ECF No. 17. In this filing, Plaintiff explains that he has a learning disability and difficulty understanding. See id. Plaintiff then attempts to "connect the dots" to address the defects identified in the Court's July 23, 2021, screening order. See id.

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1 To the extent Plaintiff intends this filing to constitute his first amended complaint,
2 it cannot do so because it is not complete in itself as required under Eastern District of California
3 Local Rule 220. In particular, the Court would be required to refer to the original complaint in
4 order to determine whether Plaintiff has in fact successfully “connected the dots.” As a general
5 rule, an amended pleading supersedes the prior pleading. See Ferdik v. Bonzalet, 963 F.2d 1258,
6 1262 (9th Cir. 1992). Were the Court to consider Plaintiff’s current filing an amended complaint,
7 it would be incomplete and fail to state any claims. The Court will provide Plaintiff additional
8 time to file a first amended complaint which is complete in itself without reference to the original
9 complaint. Plaintiff is again cautioned that, if no first amended complaint is filed within the time
10 provided below, the action will proceed on the original complaint.

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. The Court sua sponte extends the time for Plaintiff to file a first amended
13 complaint;
- 14 2. Plaintiff may file a first amended complaint within 45 days of the date of
15 this order;
- 16 3. Any first amended complaint shall be complete in itself without reference
17 to any prior pleading; and
- 18 4. The Clerk of the Court shall send to Plaintiff the Court’s form civil rights
19 complaint for prisoners.

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21 Dated: September 7, 2021



22 DENNIS M. COTA
23 UNITED STATES MAGISTRATE JUDGE
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